



## MOBILE FOOD DISPENSING VEHICLE

**PLEASE NOTE THAT ALL BUSINESSES OPERATING WITHIN THE CITY OF WINTER GARDEN MUST OBTAIN A BUSINESS TAX RECEIPT BEFORE OPENING. IF YOU OPEN BEFORE YOUR RECEIPT IS ISSUED, YOU WILL BE CHARGED A PENALTY OF 25% OF THE TAX AMOUNT.**

**IT SHALL BE UNLAWFUL FOR ANY OPEN AIR VENDOR TO OPERATE WITHOUT A VALID MOBILE FOOD DISPENSING VEHICLE GRANTED BY THE CITY MANAGER; AND, ANY SUCH INFRACTION SHALL BE PUNISHED AS SET FORTH IN CHAPTER 2, ARTICLE II OF THE CITY CODE. (REFERENCE ORDINANCE 21-37)**

### ZONING

MOBILE FOOD DISPENSING VEHICLES MAY ONLY CONDUCT BUSINESS ON PRIVATELY OWNED PROPERTY HAVING I-1 OR I-2 INDUSTRIAL ZONING DESIGNATION.

MOBILE FOOD DISPENSING VEHICLE MEANS ANY VEHICLE THAT IS LICENSED PUBLIC FOOD SERVICE ESTABLISHMENT AND THAT IS SELF-PROPELLED OR OTHERWISE MOVABLE FROM PLACE TO PLACE AND INCLUDES SELF-CONTAINED UTILITIES, INCLUDING, BUT NOT LIMITED TO, GAS, WATER, ELECTRICITY, OR LIQUID WASTE DISPOSAL, OR AS MAY BE FROM TIME TO TIME DEFINED IN SECTION 509.102, FLORIDA STATUTES. A STATE LICENSED MOBILE FOOD DISPENSING VEHICLE.

### MOBILE FOOD DISPENSING VEHICLE

PURSUANT TO SECTION 509.102, FLORIDA STATUTES, MOBILE FOOD DISPENSING VEHICLES ARE **NOT** SUBJECT TO THE SAME APPLICATION AND PERMITTING REQUIREMENTS AS OPEN AIR VENDOR. HOWEVER, MOBILE FOOD DISPENSING VEHICLES ARE SUBJECT TO AND MUST COMPLY WITH THE FOLLOWING REGULATIONS:

### BUSINESS TAX REQUIREMENTS

1. MOBILE FOOD DISPENSING VEHICLES MAY ONLY CONDUCT BUSINESS ON PRIVATELY OWNED PROPERTY HAVING **I-1 OR I-2 INDUSTRIAL ZONING DESIGNATION**. MOBILE FOOD DISPENSING VEHICLES MAY NOT CONDUCT BUSINESS UPON ANY PROPERTY ZONED WITH ANY RESIDENTIAL OR COMMERCIAL ZONING DESIGNATION. A MOBILE FOOD DISPENSING VEHICLE CONDUCTING BUSINESS MUST BE SEPARATED BY A DISTANCE OF AT LEAST 250 FEET FROM ANOTHER MOBILE FOOD DISPENSING VEHICLE CONDUCTING BUSINESS.
2. THE ZONING RESTRICTIONS SPECIFIED IN SUBSECTION (1) SHALL NOT APPLY TO A MOBILE FOOD DISPENSING VEHICLE IF:
  - i. Operating pursuant to the terms of a valid open air event permit, an authorized by a city sponsored event, or a city approved special event allowing such operations; or
  - ii. Operating in an area governed by a duly enacted planned unit development or other similar development where mobile food dispensing vehicle operations are expressly authorized.
  - iii. Mobile food dispensing vehicles must have and maintain a valid state license as a public food establishment and shall at all times operate and conduct business in compliance with state law and regulations.
3. MOBILE FOOD DISPENSING VEHICLES MUST HAVE AND MAINTAIN A VALID STATE LICENSE AS A PUBLIC FOOD ESTABLISHMENT AND SHALL AT ALL TIMES OPERATE AND CONDUCT BUSINESS IN COMPLIANCE WITH STATE LAW AND REGULATIONS. PLEASE PROVIDE COPIES OF APPROVALS PRIOR TO THE ISSUANCE OF A TAX RECEIPT.
4. MOBILE FOOD DISPENSING VEHICLES MUST HAVE A LOCAL BUSINESS TAX RECEIPT FROM THE CITY.
5. MOBILE FOOD DISPENSING VEHICLES MAY NOT CONDUCT BUSINESS ON ANY CITY OWNED OR CONTROLLED PROPERTY OR PUBLIC RIGHT-OF-WAY, UNLESS EXPRESSLY AUTHORIZED IN WRITING BY THE CITY.
6. MOBILE FOOD DISPENSING VEHICLES MAY NOT OPERATE ON ANY PRIVATE PROPERTY WITHOUT THE PRIOR WRITTEN CONSENT OF THE PROPERTY OWNER.



#### 7. BUSINESS TAX YEAR

IS FROM OCTOBER 1<sup>ST</sup> THROUGH SEPTEMBER 30<sup>TH</sup>. TAX FEES ARE PRORATED FOR REGISTERING ON OR AFTER APRIL 1<sup>ST</sup> OF THAT CURRENT BUSINESS TAX CYCLE EXPIRING SEPTEMBER 30<sup>TH</sup>.

#### 8. FEDERAL EMPLOYER IDENTIFICATION NUMBER OR SOCIAL SECURITY NUMBERS

FLORIDA STATUTE 205.0535 (5) STATES "A RECEIPT MAY NOT BE ISSUED UNLESS THE FEDERAL EMPLOYERS IDENTIFICATION NUMBER (FEIN) OR SOCIAL SECURITY NUMBER IS OBTAINED FROM THE PERSON TO BE TAXED."

9. PAYMENT IS COLLECTED AT TIME OF PROCESSING & THE FEE WILL NEED TO BE PAID AS EITHER A **CASH OR CHECK** PAYMENT ONLY. NO CREDIT/ DEBIT CARD PAYMENT ACCEPTED.

#### 10. AN ORANGE COUNTY BUSINESS TAX MUST ALSO BE OBTAINED PRIOR TO OPENING BUSINESS LOCATION.

An Orange County Business Tax will have to be paid **AFTER YOU HAVE BEEN ISSUED THE CITY OF WINTER GARDEN BUSINESS TAX RECEIPT**. Business Tax Office is located at 200 S. Orange Avenue, Suite 1600, 16th<sup>P</sup> Floor, Orlando, Florida (407) 434-0312.

### Art. II – STOPPING, STANDING, PARKING SEC. 74-38 – certain purposes prohibited

No person shall stand or park a vehicle upon a public or private street, unpaved portion of public right-of-way, public parking lot or any other public property for the purpose of;

- i. And intent of displaying such vehicle thereon for sale, hire or rental.
- ii. Painting, greasing or repairing such vehicle, except repairs necessitate by an emergency.
- iii. Washing or polishing such vehicle or any part thereof.
- iv. Displaying advertising.
- v. Selling merchandise from the motor vehicle, except in a duly established marketplace or when so authorized or licensed under the laws of the city.
- vi. Conducting business from a mobile food dispensing vehicle, except as duly authorized for a city sponsored or approved special event.

**PLEASE BRING ALL OF THE FOLLOWING ITEMS THAT APPLY WHEN SUBMITTING YOUR APPLICATION.**

- Property Owner's Authorization; Proof of real property owner's or lessee's permission.
- Site plan with dimensions (sketch is acceptable), boundaries of property line, location of mobile food vehicle and the distance to other motor food dispensing vehicles.
- Completed Commercial Business Tax Application; city website link: <https://www.cwgd.com/DocumentCenter/View/493/Commercial-Business-Tax-after-the-Land-Use-Review-Application>
- Copy of company's business name registration with state: [www.sunbiz.org](http://www.sunbiz.org)
- Copy of company's FEIN number with state: [www.IRS.gov](http://www.IRS.gov)
- Copy of the State License and Insurance for mobile food dispensing vehicle.
- Copy of current Local Business Tax receipt with city/ county of administration office of company filling.
- Payment of **Cash or Check only**. Business Tax Receipt: **\$172.00** [under classification of (134) Vendors, each person vending from other than a fixed place of business.]



## COMMERCIAL LOCAL BUSINESS TAX APPLICATION

### BUSINESS TAX REQUIREMENTS

**PLEASE NOTE THAT ALL BUSINESSES OPERATING WITHIN THE CITY OF WINTER GARDEN MUST OBTAIN A BUSINESS TAX RECEIPT BEFORE OPENING. IF YOU OPEN BEFORE YOUR RECEIPT IS ISSUED, YOU WILL BE CHARGED A PENALTY OF 25% OF THE TAX AMOUNT.**

**1. COMMERCIAL LOCATIONS \*ONLY\***

***(AN APPROVED LAND USE REVIEW MUST BE SUBMITTED PRIOR TO A BUSINESS TAX APPLICATION)***

AFTER PAYMENT OF THE BUSINESS TAX, THE COMMERCIAL BUSINESS LOCATION MUST BE INSPECTED BY THE FIRE DEPARTMENT TO MEET ALL APPLICABLE STATE AND CITY CODE REQUIREMENTS. YOU WILL BE CONTACTED DIRECTLY BY THE FIRE INSPECTOR TO ARRANGE FOR YOUR INSPECTION AFTER REGISTRATION OF THE BUSINESS TAX RECEIPT.

**2. YOU MUST PROVIDE A COMMERCIAL LOCATION AS YOUR PHYSICAL BUSINESS ADDRESS. THE CITY OF WINTER GARDEN WILL NOT ALLOW A BUSINESS TO OPERATE USING A POST OFFICE BOX OR A MAILING CENTER BOX AS ITS PHYSICAL BUSINESS ADDRESS.**

**3. BUSINESS TAX YEAR**

IS FROM OCTOBER 1<sup>ST</sup> THROUGH SEPTEMBER 30<sup>TH</sup>. TAX FEES ARE PRORATED AFTER APRIL 1<sup>ST</sup> FOR A HALF-YEAR FEE FOR REMAINDER OF THAT CURRENT BUSINESS TAX CYCLE.

**4. BUSINESSES, WHICH REQUIRE A STATE LICENSE OR HEALTH DEPARTMENT APPROVAL**

PLEASE PROVIDE COPIES OF APPROVALS PRIOR TO THE ISSUANCE OF A TAX RECEIPT.

\*NOTE THAT IF A BUSINESS OPERATION HAS STATE LICENSED PROFESSIONALS OPERATING FROM THE BUSINESS LOCATION, EACH STATE LICENSED PROFESSIONAL MUST REGISTER UNDER THEIR INDIVIDUAL LICENSE(S) IN ADDITION TO THE BUSINESS LOCATION BEING REGISTERED.

**5. FEDERAL EMPLOYER IDENTIFICATION NUMBER OR SOCIAL SECURITY NUMBERS**

FLORIDA STATUTE 205.0535 (5) STATES "A RECEIPT MAY NOT BE ISSUED UNLESS THE FEDERAL EMPLOYERS IDENTIFICATION NUMBER (FEIN) OR SOCIAL SECURITY NUMBER IS OBTAINED FROM THE PERSON TO BE TAXED."

**6. PAYMENT IS COLLECTED AT TIME OF PROCESSING & THE FEE WILL NEED TO BE PAID AS EITHER A CASH OR CHECK PAYMENT ONLY. NO CREDIT/ DEBIT CARD PAYMENT ACCEPTED.**

**7. AN ORANGE COUNTY BUSINESS TAX MUST ALSO BE OBTAINED PRIOR TO OPENING BUSINESS LOCATION.**

An Orange County Business Tax will have to be paid **AFTER YOU HAVE BEEN ISSUED THE CITY OF WINTER GARDEN BUSINESS TAX RECEIPT**. Business Tax Office is located at 200 S. Orange Avenue, Suite 1600, 16th Floor, Orlando, Florida (407) 434-0312.

***PLEASE BRING ALL OF THE FOLLOWING ITEMS THAT APPLY WHEN SUBMITTING YOUR APPLICATION.***

LAND USE REVIEW (PLANNING DEPARTMENT WILL DETERMINE IF NEEDED)

COPY OF OWNER'S DRIVERS LICENSE OR IDENTIFICATION

COMMERCIAL – COPY OF LEASE (ADDRESS PAGE & SIGNATURE PAGE ONLY)

COPY OF [WWW.SUNBIZ.ORG](http://WWW.SUNBIZ.ORG) REGISTRATION OF ARTICLES OF INCORPORATION WITH THE STATE OF FLORIDA

COPY OF [WWW.SUNBIZ.ORG](http://WWW.SUNBIZ.ORG) REGISTRATION OF FICTITIOUS NAME FILING WITH DEPARTMENT OF STATE (IF APPLICABLE; NEEDED ONLY IF USING BUSINESS NAME LISTING OTHER THAN OWNER'S LEGAL NAME)

COPY OF STATE LICENSES (IF APPLICABLE)

DETAILED LETTER EXPLAINING BUSINESS OPERATIONS

PAYMENT OF CASH OR CHECK ONLY – FEE(S) DETERMINED BASED ON TYPE(S) OF BUSINESS OPERATION/ CLASSIFICATION





# MOBILE FOOD DISPENSING VEHICLE PROPERTY OWNER AUTHORIZATION OF USE

## OWNER OF RECORD INFORMATION:

PROPERTY OWNER  
CONTACT NAME:  
SITE ADDRESS:  
MAILING ADDRESS:  
CITY: STATE: ZIP:  
PHONE: FACSIMILE: CELLULAR:  
EMAIL:

## APPLICANT INFORMATION:

BUSINESS NAME:  
CONTACT NAME:  
MAILING ADDRESS:  
CITY: STATE: ZIP:  
PHONE: FACSIMILE: CELLULAR:  
EMAIL:

## NOTARIZATION:

STATE OF FLORIDA  
COUNTY OF

I, \_\_\_\_\_ BEING DULY SWORN DECLARE I AM THE OWNER OF THE PROPERTY  
(PRINT OWNER NAME)  
IDENTIFIED ABOVE AND HEREBY AUTHORIZE THE ABOVE STATED APPLICANT TO APPLY TO THE CITY OF WINTER GARDEN FOR A MOBILE FOOD DISPENSING VEHICLE OPERATION FOR SAID PROPERTY.

PROPERTY OWNER'S SIGNATURE

SWORN TO (OR AFFIRMED) AND SUBSCRIBED BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_ BY \_\_\_\_\_ WHO DID NOT TAKE AN OATH.

- Personally Known Or;
- Physically Produced Identification / Type of ID Produced
- Online Notarization

Notary Seal

Signature of Notary

**Any questions or concerns, you may contact the Business Tax Division at (407) 877-5136.**